



FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35808 (Sub-No. 1)]

BNSF Railway Company—Temporary Trackage Rights Exemption—Union Pacific
Railroad Company

AGENCY: Surface Transportation Board, DOT.

ACTION: Partial Revocation of Exemption.

SUMMARY: Under 49 U.S.C. 10502, the Board revokes the class exemption as it pertains to the trackage rights described in Docket No. 35808¹ to permit the trackage rights to expire at midnight on October 31, 2014, in accordance with the agreement of the parties, subject to the employee protective conditions set forth in Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979).

DATES: This decision is effective on May 10, 2014. Petitions to stay must be filed by April 21, 2014. Petitions for reconsideration must be filed by April 30, 2014.

¹ In that docket, on February 28, 2014, BNSF Railway Company (BNSF) filed a verified notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice addressed an agreement in which Union Pacific Railroad Company (UP) granted temporary local trackage rights to BNSF over UP's lines extending between: (1) UP milepost 93.2 at Stockton, Cal., on UP's Oakland Subdivision, and UP milepost 219.4 at Elsey, Cal., on UP's Canyon Subdivision, a distance of approximately 126.2 miles, and (2) UP milepost 219.4 at Elsey, Cal., and UP milepost 280.7 at Keddie, Cal., on UP's Canyon Subdivision, a distance of 61.3 miles. BNSF states that the trackage rights that were granted there are only temporary rights, but, because they are "local" rather than "overhead" rights, they do not qualify for the Board's class exemption for temporary trackage rights at 49 CFR 1180.2(d)(8). See BNSF Ry.—Temporary Trackage Rights Exemption—Union Pac. R.R., FD 35808 (STB served Mar. 24, 2014).

ADDRESSES: Send an original and 10 copies of all pleadings, referring to Docket No. FD 35808 (Sub-No. 1) to: Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on BNSF's representative, Karl Morell, Of Counsel, Ball Janik LLP, Suite 225, 655 Fifteenth Street, N.W., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 245-0395.

[Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: April 4, 2014.

By the Board, Chairman Elliott and Vice Chairman Begeman.

Raina S. White,
Clearance Clerk.

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